

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PHILLIP SINCLAIR,  
  
Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,  
  
Defendant.

CASE NO. 2:16-cv-00267 RBL JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 13).

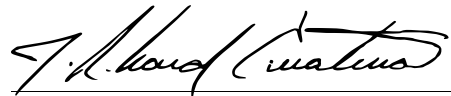
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

1 On remand, based on the parties' stipulation, this Court recommends the Commissioner's  
2 decision in regard to Plaintiff's application for Supplemental Security Income under Title XVI of  
3 the Social Security Act be **REVERSED** and **REMANDED** to the Commissioner of Social  
4 Security for further administrative proceedings. The parties stipulate that, on remand, plaintiff  
5 will be afforded a new hearing and a new decision in regard to his application for Supplemental  
6 Security Income under Title XVI of the Social Security Act. The decision should discuss what  
7 weight, if any, is afforded to the opinion evidence of record, including, but not limited to, the  
8 February 2013 opinion of Wayne Dees, Psy.D.

9 This Court recommends that the Commissioner's decision be reversed with a remand of  
10 the case to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. §  
11 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable  
12 attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d),  
13 following proper request to this Court.

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
15 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
16 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

17 Dated this 8th day of July, 2016.

18 

19 J. Richard Creatura  
20 United States Magistrate Judge